

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

KOREA ADVANCED INSTITUTE OF
SCIENCE AND TECHNOLOGY

Plaintiff,

v.

CASE NO.: 2022-CV-00317

KIP CO., LTD. f/k/a KAIST IP CO., LTD.;
P&IB CO., LTD.;
IN GYOO KANG;
KIPB LLC f/k/a KAIST IP US LLC;
PAULINA FUNDINGCO, LLC; and
U.S. BANK NATIONAL ASSOCIATION

Defendants.

**MOTION OF PAULINA FUNDINGCO, LLC AND U.S. BANK NATIONAL ASSOCIATION TO
DISMISS UNDER FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)**

Defendants Paulina FundingCo, LLC (“Paulina”) and U.S. Bank National Association (“U.S. Bank”) hereby move this Court to dismiss all claims that Plaintiff Korea Advanced Institute of Science and Technology (“KAIST”) has made against them, with prejudice, pursuant to Fed. R. Civ. P. 12(b)(6), for the following reasons:

1. KAIST’s Counts I and II for declaratory and injunctive relief respectively, improperly framed as “claims,” fail as a matter of law because KAIST has not alleged any underlying cause of action against Paulina or U.S. Bank that would entitle KAIST to such remedies.

2. KAIST’s claims against Paulina and U.S. Bank represent an improper attempt by KAIST, an unsecured contingent creditor, to freeze funds in a U.S. Bank escrow fund, even though KAIST has not yet secured any judgment entitling it to those funds.

In support of its motion, Paulina and U.S. Bank submit the accompanying Memorandum.

Dated: March 30, 2022

Respectfully submitted,

/s/ Steven M. Biskupic

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2022, a copy of the foregoing document was served via electronic service through the Court's electronic filing system on all counsel of record.

/s/ Steven M. Biskupic
Steven M. Biskupic